

Application No. 10/705,403
Amendment dated November 13, 2006
After Final Office Action of July 11, 2006 and Advisory Action of September 29, 2006

Docket No.: 20050/0200484-US0

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to FIG. 10(C). This sheet, which includes FIGS. 10(A)-(D), replaces the original sheet including FIGS. 10(A)-(D).

Attachment: One Replacement Sheet

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claim 2 was previously canceled.

Claims 3, 4, 8 and 15-17 are canceled without prejudice or disclaimer.

Claim 7 allegedly remains withdrawn from further consideration.

Claims 1, 5-7 and 9-14 are amended without the introduction of new matter.

Claim 18 is added without the introduction of new matter.

Claims 1, 5-7 and 9-14 are pending.

II. Status of the Drawings

The drawings were objected to because the numeral 62 was underlined in FIG. 10(C). In response, FIG. 10(C) is amended to overcome that objection. Accordingly, Applicants respectfully request the withdrawal of the objection to the drawings on that basis.

It is noted, in the Advisory Action dated September 29, 2006, the Examiner stated that the Applicants' previous Response to the Final Office Action dated July 11, 2006 has overcome the above objection to the drawings.

III. Restriction Requirement

The Examiner states that claim 7 remains withdrawn because "it is unclear whether such reads on the elected species or not." In response, claim 7 is amended to clarify subject matter

recited. Amended claim 7 reads on the elected species because at least FIG. 5 shows all the features recited in amended claim 7.

Specifically, FIG. 5 shows that the triangular shape of the elongated convex area 3 of the main sheet body has a top 3a and a bottom 3b, the top being a vertex of the triangular shape and positioned closer to the body side, that a longitudinal length at the top 3a is shorter than a longitudinal length at the bottom 3b, and that both of the two ends of the elongated convex area have openings, one of which is the numerical reference 19A and the other opening is at the other end of the elongated convex area 3. Further, FIG. 5 shows that each of those openings has edges with a slope angle, in relation to a direction perpendicular to the longitudinal direction of the surface sheet, from the bottom 3b to the top 3a of the triangular shape of the elongated convex area 3.

Accordingly, Applicants respectfully request that claim 7 be reinstated for consideration and examined on the merits.

IV. Status of the Specification

The Examiner stated that “[t]he specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph.” Further, the disclosure was objected to because of various informalities.

In response, a substitute Specification is attached with the present response. The substitute Specification complies with 35 U.S.C. §112, first paragraph, and addresses all of the informalities noted by the Examiner.

With respect to the Examiner’s objection to the Summary of the Invention section noted in the Advisory Action dated September 29, 2006, Applicants respectfully submit that the Summary of

Invention, as currently written in the substitute Specification concurrently submitted herewith, meets all of the legal requirements described in MPEP. In this regard, MPEP §608.01(d) reads as follows:

608.01(d) Brief Summary of Invention

37 CFR 1.73 Summary of the invention.

A brief summary of the invention indicating its nature and substance, which may include a statement of the object of the invention, should precede the detailed description. Such summary should, when set forth, be commensurate with the invention as claimed and any object recited should be that of the invention as claimed.

Since the purpose of the brief summary of invention is to apprise the public, and more especially those interested in the particular art to which the invention relates, of the nature of the invention, the summary should be directed to the specific invention being claimed, in contradistinction to mere generalities which would be equally applicable to numerous preceding patents. That is, the subject matter of the invention should be described in one or more clear, concise sentences or paragraphs. Stereotyped general statements that would fit one application as well as another serve no useful purpose and may well be required to be canceled as surplusage, and, in the absence of any illuminating statement, replaced by statements that are directly on point as applicable exclusively to the case at hand.

The brief summary, if properly written to set out the exact nature, operation, and purpose of the invention, will be of material assistance in aiding ready understanding of the patent in future searches. The brief summary should be more than a mere statement of the objects of the invention, which statement is also permissible under 37 CFR 1.73.

The brief summary of invention should be consistent with the subject matter of the claims. Note final review of application and preparation for issue, MPEP §1302.

According to MPEP §608.01(d), there is no specific page limit for the Summary of the Invention. Further, the Summary of the Invention as currently written is approximately 15 1/2 pages long. The Detailed Description of the Invention as currently written is approximately 31 pages long, which is twice as long as the Summary of the Invention. Applicants respectfully submit that the Summary of the Invention as currently written is a properly written brief summary of the Detailed Description of the Invention, in accordance with MPEP §608.01.

Accordingly, Applicants respectfully request the withdrawal of the objection to the disclosure.

V. Objections to the Claims

Claims 1, 3, 5, 6, 8-14, and 17 were objected to because of various informalities. The objections to claims 3, 8, and 17 are moot because claims 3, 8, and 17 are canceled by the present response. Claims 1, 5, 6, and 9-14 are amended to address the objections. Applicants respectfully request the withdrawal of the objections to claims 1, 5, 6, and 9-14.

VI. Rejections under 35 U.S.C. §112, First Paragraph

Claims 1, 3, 5, 6, 8-14, and 17 were rejected under 35 U.S.C. §112, first paragraph. The rejection of claims 3, 8, and 17 are moot because claims 3, 8, and 17 are canceled by the present response. Applicants respectfully traverse the rejection of claims 1, 5, 6, and 9-14.

Specifically, the Examiner states that the last two lines of claim 1, as previously presented, are "not clear what structure is being claimed and thereby, whether the application as originally filed provides support therefor."

In response, claim 1 is amended to clarify subject matter recited in the last two lines of previously presented claim 1 as follows:

wherein the elongated convex area has a hollow part with a substantially triangular shape in a lateral cross section, and two ends in the longitudinal direction, at least one of the two ends forming a finger insertion opening through which a finger is insertable into the hollow part, and

wherein the main sheet body and the sub-sheet body each have longitudinal side edges at opposite ends in the lateral direction, each of the longitudinal side edges of the main sheet body being bonded to each of the longitudinal side edges of the sub-sheet body, respectively, at each of the opposite ends.

Support is found, for example, in the clean copy of the substitute Specification at page 22, line 15 to page 23, line 11, and page 23, line 19 to page 24, line 11, and FIGS. 1 and 4.

Specifically, as shown in FIGS. 1 and 4, the elongated convex area 3 has a hollow part 5 with a substantially triangular shape in the lateral cross section I-I, and two ends in the longitudinal direction. At least one of the two ends forms a finger insertion opening 19A. A finger is insertable through the finger insertion opening 19A into the hollow part 5. Further, the main sheet body 2 and the sub-sheet body 6 each have longitudinal side edges (i.e., portions of the peripheral edges 15 and 65, respectively) at opposite ends in the lateral direction. Each of the longitudinal side edges of the main sheet body 2 is bonded to each of the longitudinal side edges of the sub-sheet body 6, respectively, at each of the opposite ends.

Therefore, amended claim 1 is clear as to the structure being claimed, and supported by the originally filed Specification, drawings and claims. Independent claim 14 is amended similarly to amended claim 1 to the extent discussed above. Accordingly, Applicants respectfully request the

withdrawal of the rejection of claims 1 and 14, and claims 5, 6, and 9-13 dependent from claim 1, under 35 U.S.C. §112, first paragraph.

VII. Rejections under 35 U.S.C. §112, Second Paragraph

Claims 1, 3, 5, 6, 8-14, and 17 were rejected under 35 U.S.C. §112, second paragraph, as indefinite. The rejection of claims 3, 8, and 17 are moot because claims 3, 8, and 17 are canceled by the present response. Applicants respectfully traverse the rejection of claims 1, 5, 6, and 9-14.

Specifically, the Examiner rejects claim 1 because the last two lines of claim 1 as previously presented are unclear as to what is claimed. Similarly to the discussion above on the rejection under 35 U.S.C. §112, first paragraph, amended claim 1 is now clear as to what is claimed. Independent claim 14 is amended similarly to amended claim 1.

Further, the Examiner rejects claims 5 and 6 because of a lack of a proper antecedent basis. In response, claims 5 and 6 are amended to address the rejection on that basis.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 5, 6, and 9-14 under 35 U.S.C. §112, second paragraph.

VIII. Rejections under 35 U.S.C. §102/103

Claims 1, 3, 5, 6, 8-13, and 17 were rejected under 35 U.S.C. §102(a) as anticipated by Lichstein et al. (International Application Publication No. 2000/40197, herein “Lichstein”). Further, claim 14 was rejected under 35 U.S.C. §103(a) as unpatentable over Lichstein in view of Gann et al. (International Application Publication No. 1999/55270, herein “Gann”).

The rejection of claims 3, 8, and 17 are moot because claims 3, 8, and 17 are canceled by the present response. Applicants respectfully traverse the above rejections of claims 1, 5, 6, and 9-14.

Independent claim 1 is directed to an interlabial pad, and amended to clarify subject matter recited and to recite additional features.

Specifically, amended claim 1 now includes, among others, the feature that an interlabial pad includes a substantially planar shaped sub-sheet body. In contrast, none of the drawings in Lichstein, particularly FIGS. 17e and 17f, disclose or suggest that interlabial pad includes a substantially planar shaped sub-sheet body.

Further, amended claim 1 includes the features that each of the main sheet body and the sub-sheet body is configured such that the surface sheet and the backing sheet each have longitudinal side edges at opposite ends in the lateral direction, that each of the longitudinal side edges of the surface sheet is bonded to each of the longitudinal side edges of the backing sheet, respectively, at each of the opposite ends, and that the main sheet body and the sub-sheet body are not bonded to each other, other than at the each of the longitudinal side edges. Accordingly, the main sheet body and the sub-sheet body of the present invention recited in amended claim I can be independently deformed in accordance with motions of the wearer.

In contrast, Lichstein is silent as to how the sheets of the main and sub-sheet bodies are bonded to each other at which portions of the sheets, and how the main and sub-sheet bodies are bonded to each other at which portions of the bodies.

For example, Lichstein fails to disclose or suggest that the main sheet body and the sub-sheet body are not bonded to each other, other than at the each of the longitudinal side edges. In this regard, referring to FIGS. 17a and 17f of Lichstein for example, if the web structure 210 and the

liquid impermeable structure 310 are not bonded to each other, other than at each of the longitudinal side edges of the two structures, the integrity of the two structures are weak when compared to the integrity of the two structures bonded to each other, other than at each of the longitudinal side edges of the two structures. Accordingly, one of ordinary skills in the art would not assume that the web structure 210 and the liquid impermeable structure 310 are not bonded to each other, other than at each of the longitudinal side edges. Therefore, Lichstein fails to disclose or suggest the above features of the amended claim 1 as to how the sheets of the main and sub-sheet bodies are bonded to each other at which portions of the sheets, and how the main and sub-sheet bodies are bonded to each other at which portions of the bodies.

Moreover, amended claim 1 includes, among others, the features that:

wherein the elongated convex area has a hollow part with a substantially triangular shape in a lateral cross section, and two ends in the longitudinal direction, at least one of the two ends forming a finger insertion opening through which a finger is insertable into the hollow part[.]

Accordingly, the wearer can insert her finger in the hollow part of the elongated convex area through the finger insertion opening to place the interlabial pad to an appropriate position between the labia, and to adjust a position of the interlabial pad to effectively prevent the leakage of menstrual blood , for example, according to a depth of the labia.

The Examiner asserts that Lichstein disclose all of the limitations recited in claim 1. Specifically, the Examiner asserts, referring to FIGS. 17a-17f that, the elongated convex area has openings that "are capable of having a finger inserted therein." However, none of the figures of Lichstein including FIGS. 17a-17f show an opening that is "a finger insertion opening through which a finger is insertable into the hollow part[.]" as recited in amended claim 1. The size of the

opening shown in, for example, FIGS. 17e and 17f, is not large enough to insert a finger into the hollow part. Even if a wearer forces and inserts her finger into the hollow part through the opening shown in, for example, FIGS. 17e and 17f, the finger would not be able to be removed from the hollow part while placing the interlabial pad at a position where the leakage of menstrual blood is effectively prevented. Thus, in Lichstein, the insertion of a finger into the opening of the elongated convex area defeats the purpose of the invention of Lichstein.

Additionally, in this regard, Lichstein merely describes, for example, that “[s]uch excess height is also useful as an aid for the user to grasp to insert and remove absorbent article 20” (*see, Lichstein, page 6, lines 29 and 30*), and that “[o]ptional finger-grasping member 103 is also shown” (*see, Lichstein, page 9, lines 1 and 2, and FIG. 15*).

Moreover, amended claim 1 is further distinguishable over Lichstein because amended claim 1 includes the additional features as follows.

a main sheet body comprising:
 a water permeable surface sheet facing a body side; and
 a water permeable backing sheet facing an opposite side of the body side, the surface sheet and the backing sheet being bonded to each other enclosing a first absorber for absorbing body fluid; and

a sub-sheet body comprising:
 a water permeable surface sheet facing the body side; and
 either a water permeable or non-permeable backing sheet facing a garment side, the surface sheet and the backing sheet being bonded to each other enclosing a second absorber for absorbing body fluid[.]

Referring to, for example, the substitute Specification at page 22, line 19 to page 23, line 11, and FIG. 4, the main sheet body 2 has the water permeable surface sheet 11 facing a body side, and the water permeable backing sheet 12 facing the opposite side of the body side. The surface sheet

11 and the backing sheet 12 are bonded to each other enclosing the first absorber 13 for absorbing body fluid. Further, the sub-sheet body 6 has the water permeable surface sheet 61 facing the body side, and either the water permeable or non-permeable backing sheet 62 facing a garment side. The surface sheet 61 and the backing sheet 62 are bonded to each other enclosing the second absorber 63 for absorbing body fluid.

Lichstein fails to disclose the above-noted features recited in amended claim 1. In this regard, for example, as described at page 9, line 33 to page 10, line 19, and shown in FIGS. 17e and 17f, Lichstein merely describes that the web structure 210 includes the absorbent web 200 having the optional fluid permeable cover material 201, that the liquid impermeable structure 310 includes the liquid impermeable material 300, and that the web structure 210 and the liquid impermeable structure 310, co-extensively aligned, and attached. At page 10, lines 24 and 25, Lichstein merely describes that the absorbent web in FIGS. 17a-17f "can be a single layer or multiple layers comprising suitable absorbent material as disclosed in the forthcoming sections of the specification."

Accordingly, Lichstein fails to disclose the above-noted features recited in amended claim 1 as to how the sheet bodies, sheets and absorbers are structured in the interlabial pad. In this regard, Lichstein further fails to teach or suggest the above-noted features recited in amended claim 1 in a manner which would convince one skilled in the art to conclude that the interlabial pad is assembled as claimed by Applicants.

Therefore, amended claim 1 and claims dependent therefrom are further distinguishable over Lichstein.

Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1, 5, 6 and 9-13 based on Lichstein.

Amended independent claim 14 is patentably distinguishable over Lichstein to the extent that claim 14 includes features substantially similar to those in amended claim 1 discussed above. Specifically, amended claim 14 now includes the feature that the main sheet body and the sub-sheet body are not bonded to each other, other than at the each of the longitudinal side edges.

With respect to Gann, the Examiner combines Gann with Lichstein merely to supplement the deficiency of Lichstein that Lichstein does not teach the interlabial pad contained in a wrapping container for individual wrapping. Gann does not teach or suggest the above-discussed features recited in amended claim 14. Thus, even if the teachings of the cited references are combined, the combined teachings of the cited references fail to teach or suggest the above-discussed features recited in amended claim 14.

Therefore, amended claim 14 is distinguishable over the combined teachings of Lichstein and Gann. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 14 based on Lichstein and Gann.

New claim 18, which depends from amended claim 5, recites that a total circumference of the finger insertion opening formed with the backing sheet of the sub-sheet body and a surface of the mini sheet piece is 40 mm to 80 mm. Support for such recitation is found in, for example, the substitute Specification at page 27, lines 19 and 20, and FIG. 7. Accordingly, a second finger insertion opening is formed between the backing sheet and the mini sheet piece, with its total circumference 40 mm to 80 mm as recited in claim 18. As a result, a wearer can choose either the finger insertion opening formed between the main sheet body and the sub-sheet body or the finger

insertion opening formed between the sub-sheet body and the mini sheet piece to adjust the height of the interlabial pad, so that the wearer can provide the interlabial pad suitable for her own labia depth. *See*, the substitute Specification, page 10, line 4 to page 12, line 12.

In this regard, none of the cited references teach or suggest the features of the finger insertion opening recited in claim 18. Therefore, claim 18 is allowable.

CONCLUSION

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: November 13, 2006

Respectfully submitted,

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Attachments: Clean and Marked-Up Copies of substitute Specification
Replacement Sheet including FIG. 10(C)